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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UGANDA KNAPPS,) CASE NO C05-2935 MEJ
)
) STIPULATION AND PROPOSED ORDER
Plaintiffs,) REGARDING TESTIMONY OF DURAND
vs.) BEGAULT, PH.D., CD ROM OF
) ENHANCED AUDIO TAPE AND
) TRANSCRIPT
)
CITY OF OAKLAND, et al,) Trial Date: 10/17/07
)
Defendants.)
_____)

WHEREAS, THE PARTIES, BY AND THROUGH THEIR RESPECTIVE
COUNSEL OF RECORD, DO HEREBY STIPULATE AND AGREE THAT if Durand
Begault, Ph.D. was called to testify at the trial in the above-entitled action, he would

- 1) qualify as an expert in the enhancement of audio tape evidence;
- 2) testify about the methods and procedures he used to enhance the copy of the audio
tape of the plaintiff's "911" cell phone conversation with Oakland Police dispatch which had

1 been subpoenaed by plaintiff's counsel from the California Department of Social Services
2 which was used at the administrative hearing of the plaintiff's appeal from the accusation of
3 the Department of Social Services;

4 3) that Dr. Begault prepared a copy of said enhancement on a CD-Rom and that said
5 CD Rom shall be admitted into evidence as properly authenticated; and

6 4) that Dr. Begault would also testify that he prepared a transcript of said tape which is
7 attached and incorporated herein by reference as Exhibit A and that the transcript reflects his
8 best efforts to transcribe the tape. However, the parties recognize that the Court will
9 ultimately decide what is said on the tape and its import in this case. The parties further agree
10 that the transcript shall be deemed properly authenticated.

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12 . THE PARTIES FURTHER STIPULATE AND AGREE THAT the aforementioned
13 CD Rom of the enhanced audio tape prepared by Durand Begault, Ph.D. and the transcript
14 that he prepared with respect to said tape shall be admitted into evidence at the trial in the
15 above-entitled action and that neither party shall be required to call Dr. Begault to testify at
16 the trial to authenticate either the CD Rom or the transcript in order for them to be admitted
17 into evidence.

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19 THE PARTIES FURTHER STIPULATE AND AGREE THAT they shall not waive
20 any right they respectively have to argue or comment on this evidence at trial.

21 IT IS SO STIPULATED:

22 Dated: October 5, 2007

23 _____/S/_____
24 JULIE M. HOUK
25 Attorney for Plaintiff
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1
2 Dated: October 5, 2007

_____/S/_____
ARLENE ROSEN
Attorney for Defendants

3 PURSUANT TO STIPULATION,
4 IT SO ORDERED:

5 Dated: October 10, , 2007

6 MARIA EL
7 Magistrate J
8 District Court
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MAGISTRATE JUDGE MARIA-ELENA JAMES
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

